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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,639	11/24/2000	Richard Hans Harvey	063170.6601	3833
5073	7590	11/25/2005		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2164	PAPER NUMBER

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,639	HARVEY, RICHARD HANS	
	Examiner	Art Unit	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed on 2/25/2005 has been entered. In this Office Action claims 1-5, 11-12 are pending.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann et al. (US Patent 6,085,188) hereinafter Bachmann, and in view of Byrne et al. (US Patent 6,347,312) hereinafter Byrne.

7. Bachmann teaches independent claims 1, 11 by the following:

"determining whether an instruction or operation adds an information entry or removes information entry from the database system, wherein for an add operation, the information entry is first added to an 'out' table, and wherein for a remove operation, the information entry is first removed from an 'in' table determining whether the instruction or operation is part of a modify instruction, the modify instruction operable to modify the information" (Fig. 7-8, col. 6, line 47

to col. 7, line 15). Bachmann teaches the parent table and child table, which is analogous to using two tables of in and out and explicitly does not teach the in and out tables. However, Byrne teaches two tables which are similar to the purpose of in and out tables as Type I cache (40) and Type II cache (42). Type I is for a set of identifiers which qualify for a given LDAP search query of a particular filter key and the unit is indexed by that filter key. This way the repetitive search queries are handled without resort to the relational database (38). Type one is the same as the in table. Whereas Type II cache maintains results of the query (Byrne, Fig. 5, col. 5, line 50 to col. 6, lines 11). The search is done first and the data is filled into Type II and then search query in Type I one will be retained. When the search query did not find the record, the query will not be retained in the Type I and the result will not be available to store in the Type II. Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to combine teaching of the cited references because Byrne's teachings would have allowed Bachmann's method would have been efficient of handling of repetitive searches issued from a hierarchical directory service to a relational database backing store (Byrne, col. 2, lines 22-25).

8. As per dependent claim 2, Bachmann teaches "the information is added to the 'in' table after being added to the 'out' table" at Fig. 8, col. 6, line 60 to col. 7, line 15.

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9. As per dependent claim 3, Bachmann teaches "the information is removed from the 'out' table after being removed from the 'in' table" at Fig. 7, col. 6, lines 47-59.
10. As per dependent claim 4, Bachmann teaches "performing both the add and remove operations if the instruction or operation is determining whether the instruction modifies information" at col. 5, lines 60-67.
11. As per dependent claims 5, 12 Bachmann teaches "the instructions are implemented via a directory system such as X.500 or LDAP" at Fig. 4A-C, col. 4, lines 22-35.

Response to Arguments

12. Applicant's arguments filed 9/2/2005 with respect claims 1 and 11 have been fully considered but they are moot in view of the new ground(s) of rejection.

- a) Applicant's argument states as "Applicant submits that Fig. 1 does not illustrate only that which is old".

In response to Applicant's argument, Examiner respectfully disagrees with the applicant. The background of the current application discussed about the Fig. 1 and the cited specification (Page 9, lines 5-7) in Remarks section of the amendment, discusses about the Fig. 2.

- b) Applicant's argument states as "Bachmann however, fails disclose, teach or suggest 'determination ...' see page 5, paragraph two in Remarks section.

In response to Applicant's argument, Examiner respectfully disagrees with the applicant. The prior art of Bachmann et al. (US Patent 6,085,188) teaches independent claims 1 and 11 (Fig. 7-8, col. 6, line 47 to col. 7, line 15). It is obvious that any instruction has to determine in order to execute.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
November 21, 2005


MOHAMMAD ALI
PRIMARY EXAMINER